

Medical Examining Board Update-Important Changes in WI Law

June 2, 2010

On May 18th, Governor Doyle signed AB 877 into law as 2009 WI Act 382. This act, initiated by the Medical Examining Board (MEB) will be reviewed in detail in the Regulatory Digest to be published in July. This act makes a number of changes to Wisconsin law.

- * The act places a legal duty upon all licensed physicians (MD and DO) to report other physicians to the MEB under circumstances detailed in the law.
- * The prescribing limitation on residents working under a Temporary Educational Permit is eliminated.
- * Changes are made to the MEB process for issuing summary license suspensions.
- * The MEB is granted the ability to change Continuing Medical Education requirements by rule rather than by legislation.

The intent of the new law is to protect of patients and the public. This bill was initiated by the MEB in an effort to improve our ability to protect the public from physicians who may pose a threat to their patients. The duty to report codifies ethical obligations which exist in policy statements of the Wisconsin Medical Society and American Medical Association and creates a duty similar to what exists in the laws of many other states. It was created with the knowledge that physicians are in the best position to be aware of colleagues who may engage in a pattern of unprofessional conduct; engage in acts creating an immediate or continuing danger to patients or the public; may be medically incompetent; or may be mentally or physically unable to safely practice medicine. Failure to report such physicians may under the law lead to discipline by the MEB.

This law applies to all licensed physicians without exclusion and thus, we realize, may create a conflict for some physicians, particularly those engaged in medical management/peer review and those physicians treating other physicians for psychiatric and substance abuse problems. Complete guidance will be forthcoming on these issues.

Reports should be made to the Wisconsin Department of Regulation and Licensing (DRL), in writing and contain sufficient detail to allow appropriate investigation. Information on how to file a complaint is available on the DRL website at www.drl.wi.gov. The filing of a complaint does not automatically result in a disciplinary action. Actions by the MEB are judicial in nature and respondents (those reported) have full rights to due process before any adverse action may be taken against them. The full text of 2009 WI Act 382 can be found on-line at: <http://www.legis.state.wi.us/2009/data/acts/09Act382.pdf>

Sincerely,

Dr. Sujatha Kailas
Chair-Medical Examining Board

Dr. Gene Musser
Immediate Past Chair-Medical Examining Board